

TOWN OF CECILTON
MAYOR AND COUNCIL REGULAR MEETING AND PUBLIC HEARING
Monday, August 25, 2008

The Town Council held a Regular Meeting and Public Hearing at Town Hall on Monday, August 25, 2008. The following were in attendance:

John J. Bunnell, Mayor

Michael Cooper, Member
Terry Moore, Member

Joseph A. Zang, III, Member
Craig DeVary, Member

Call to Order: 7:00 p.m.

All in attendance recited the Pledge of Allegiance.

REVIEW AND ACT:

August 13, 2008 Work Session Minutes:

Member Zang made a motion to accept the August 13, 2008 Work Session Minutes as written. Member DeVary seconded the motion. The motion carried.

August 2008 Financials and Account Balances:

Member DeVary made a motion to accept the August 2008 Financials and Account Balances as written. Member Moore seconded the motion. The motion carried.

Administrator's Report:

The Mayor reported the Wastewater Treatment Plant is 95% complete. Delmarva had to delay the connection of the power to the plant due to an emergency call up. As soon as they make the connections, the generator can be fired up.

The Mayor went on to say that Andrew Biggs, once again, did a wonderful job with the quilt raffle. He raised \$1,046.00. The cost of the quilt was \$225.00. He made \$821.00 for the Decoration Committee.

Maintenance Report:

The Mayor reported that due to vandalism, once again, 14 windows were broken on the maintenance shed.

July 2008 Water and Wastewater Report:

Reviewed without comment.

PUBLIC HEARING:

CDBG Funding Application for Southern Cecil County Senior Center Planning Grant:

Mayor Bunnell read the CDBG Funding Application for Southern Cecil County Senior Center Planning Grant (attached). Mayor Bunnell read the Town of Cecilton Resolution #2008-04, Authorization to submit a Planning Grant Application (attached). The Mayor said that the Resolution would be put before the Council for adoption at the September 10th meeting. Member Moore asked if the Senior Center would be available for parties. The Mayor said it was lightly discussed and the answer was "yes, it should be", but it will be a matter of when and where to get a key and those things needed to be worked out with The Department of Aging with the county.

The Mayor said they are trying to design the building with an entryway only accessible to people that utilize the building after hours. The Mayor said they were trying to get 2 other spots, one for Social Services and one for the Sheriff's Department in the building. The Town Administrator added that several other organizations are expressing interest as well.

NEW BUSINESS:

USDA Loan Closing:

Mayor Bunnell read Town of Cecilton Resolution #2008-06 Wastewater Treatment Bond Series 2008A and Town of Cecilton Resolution # 2008-07 Wastewater Treatment Bond Series 2008B (both attached). Bond 2008A principal amount not exceeding \$893,500.00: Bond 2008B principal amount not exceeding \$995,500.00. Mr. Keenan (Bond Counsel) informed those present that Bond 2008A in the amount of \$893,500 is for 40 years at 4.1/4% interest and that Bond 2008B in the amount of \$995,500.00 is for 40 years at 4 1/8% interest. He went on to say that there would be semi-annual payments with the first payment due February 1st. Attorney Keenan informed the Mayor and Council that the funds will be available to the Town on August 28, 2008 and he assumed that is when the interim financing would be paid in full. The Mayor agreed that was the priority. Member Zang made a motion to accept Resolution # 2008-06 Wastewater Treatment Bond Series 2008A and Loan Resolution to USDA in the amount of \$893,500.00 with Exhibit A attached. Member DeVary seconded the motion. The motion carried. Member DeVary made a motion to accept Resolution # 2008-07 Wastewater Treatment Bond Series 2008B and Loan Resolution to USDA in the amount of \$995,500.00 with Exhibit A attached. Member Zang seconded the motion. The motion carried.

The Mayor called for a 10-minute recess while the loan documents were signed

The Mayor called the meeting back to order at 7:50 p.m.

Wastewater Treatment Plant: Operations and Maintenance Contract.

Mayor Bunnell read the Proposal to Amend Operating Agreement for Sewer Plant and Facility Operations and Maintenance from Miller Environmental, Inc. dated August 18, 2008 (attached). The Mayor went on to explain that the cost item from Miller Environmental (Disposal of Screenings) quoted a monthly fee of \$123.00. He said that the Town is currently paying Independent Disposal \$140.00 for a dumpster, and obviously Miller Environmental will reflect a savings to the Town. The Mayor also said he spoke to George Smith, President of Miller Environmental, and Mr. Smith said that he is hopeful that the cost item of \$2,650.00 a month for providing chemicals will be dramatically reduced if they are permitted to use liquid chemicals rather than powdered chemicals. The Mayor also said in addition to the monthly fees quoted by Miller Environmental, they gave cost to develop and implement written Standard Operating Procedures and written Maintenance Procedures and to provide one officer or one operations technical advisor for the new plant start up for one-time man- hour fees. Member's Zang and Moore asked if it would be possible to limit the hours/cost of the above one-time fees. The Mayor responded by saying they can segregate that portion of the Agreement out and just accept the monthly/yearly cost of the operating agreement, until the Council receives a clarification on those costs and what the Town needs them (Miller Environmental) to do.

The Mayor also presented to the Council the Agreement with Miller Environmental, Inc. Regarding the Operations of Facilities dated August 1, 2001 (attached). He highlighted page 5 paragraph # 4.2 "This Agreement shall be automatically renewed for subsequent two (2) year terms, unless one of the parties gives written notice to the other at least (90) days prior to the termination date contained herein. He explained that next year will be the last year on this contract. He went on to highlight page #6 e "In the event a change in the Scope of Services provided by Operator is necessary for the operations of the Facilities, the Owner agrees to pay Operator for such additional expense at cost plus 15.0% overhead, if the Owner approves Operator's

request to perform such operations activities. The Mayor explained that there is a change in the Scope of Services.

Member Cooper made a motion to accept the proposal dated August 18, 2008 from Miller Environmental Inc, to Amend the Operating Agreement for Sewer Plant and Facility Operations and Maintenance in the amount of \$92,412.00 a year excluding the written Maintenance Procedures and Standard Operating Procedures man-hour clause. Member Zang seconded the motion. The motion carried.

OLD BUSINESS:

Water Tank Maintenance Program: Russ Brown- Utility Service Company, Inc.

Mr. Brown was in attendance to address questions the Mayor and Council had regarding 2 paragraphs in the proposed Water Tank Maintenance Contract (attached). The first question was in regards to paragraph #2 Contract Price/Annual Fees: The dates on the contract were incorrect. It was agreed between Mr. Brown and the Mayor and Council that the contract will become effective as of the date that it is signed.

The second question dealt with Paragraph # 4 Structure of Tank (antenna issue). Mr. Ross explained there are many problems with companies that want to install antennas on the water tanks, due to improper installation and because of that, damage to the tanks. Due to these problems Utility Service Company started a division within their company to handle the antenna issues. One of the ways they can handle the situation was to inspect the tank and if there were an issue with the way the antenna is installed they would then bill the Town for the additional cost to address the problem caused by improper installation of the antenna. That is called the “non-managed approach” to the antenna situation. He went on to explain the “managed approach” is a full site management agreement, where the company takes on full marketing, legal, design, installation, etc responsibilities to negotiate with the carriers and everything would be done “in-house” with Utility Service Company. In effect they would become the broker for the Town. They would receive 30% of whatever the carrier would be paying the Town for the use of the water tower. The company will also guarantee that the cost of the maintenance on the water tower will not increase due to the installation of antennas on the water tower. Member Cooper made a motion to accept Utility Service Co, Inc. Water Tank Maintenance Contract as amended for contract date and times. Member DeVary seconded the motion. The motion carried.

Resolution #2008-05 Maryland Sustainable Communities:

The Mayor read Town of Cecilton Resolution #2008-05 Authorization to Submit a Grant Application for Updating the Comprehensive Plan (attached). Member Moore made a motion to adopt Town of Cecilton Resolution #2008-05 Authorization to Submit a Grant Application for Updating the Comprehensive Plan in the amount of \$6,500.00. Member Zang seconded the motion. The motion carried.

Agricultural Zoning:

Mayor Bunnell read the Town of Cecilton Agricultural Business Model Zoning Ordinance Provisions (attached) Member Moore made a motion to accept the Town of Cecilton Agricultural Business Model Zoning Ordinance Provisions as written. Member DeVary seconded the motion. The motion carried.

Ordinance #2008-03 Right to Farm Ordinance;

Mayor Bunnell read the Town of Cecilton Ordinance #2008-03 Right to Farm. Member DeVary made a motion to adopt the Town of Cecilton Ordinance #2008-03 Right to Farm. Member Cooper seconded the motion. The motion carried.

INFORMATIONAL ITEMS:

Public Comments:

None

Good of the Order:

The Mayor announced the Child and Family Service Community Summit would be held Monday, September 15, 2008 at Cecil College.

The Mayor announced that on the 4th, 5th, and 6th of September he will be going to Annapolis to address the Board of Directors of the MML.

October 23,24,25th is the Fall Conference of the MML. The Mayor announced if anyone wanted to attend they must let Brenda know as soon as possible since the rooms are already being booked.

Member Moore brought up the subject of possibly having a Fall Festival for the Town in October. She wanted to know if there was general interest in the project on behalf of the Council. The Mayor replied he spoke to the people that run the tractor and truck pull contests and they said they would be glad to hold an event on the same day as the Festival if the Council would like them to do that. The Mayor also said the Lions and the Ruritans have also expressed some interest in participating. Member Cooper said due to only having 6 weeks to organize a Fall Festival maybe some thought should be given to making it a Spring Fling. Member Moore said that might be a better idea but she will investigate more options in the next week and report back at the next Council meeting.

ADJOURN:

Respectfully submitted:

Patricia Trucksess

Approved:

John J. Bunnell
Mayor